

SCHEDULE 1 EXEMPTIONS

Are you up to speed on the plumbing, gasfitting and drainlaying exemptions in Schedule 1 of the Building Act 2004?

At the Master Plumbers conference earlier this year, Department of Building & Housing (DBH) advisor Mike Reedy, a former plumber and plumbing tutor, spoke about what this means for the PGD industry. He introduced a handy new DBH guidance document that details the background and circumstances where plumbing, gasfitting and drainlaying work is exempt under Schedule 1 and does not require a building consent. The guide also gives good examples.



Mike Reedy explained the finer detail of Schedule 1 to delegates at the Master Plumbers conference earlier this year.

It is important to note, however, said Mike, that even though certain building work activities are exempt under Schedule 1, they will still have to comply with the NZ Building Code and also with the Plumbers, Gasfitters & Drainlayers Act 2006, which means that plumbing, gasfitting and drainlaying work must be carried out or supervised by a suitably licensed person.

“ PLUMBING, GASFITTING AND DRAINLAYING WORK MUST BE CARRIED OUT OR SUPERVISED BY A SUITABLY LICENSED PERSON ”

Mike referred to the Building Code having 35 technical Clauses, covering structural stability, fire safety and access, moisture control, services and facilities and energy efficiency. For plumbing, gasfitting and drainlaying projects, there is a 'compliance pathway.' All building work must comply with Clauses of the NZ Building Code (for example water supplies G12 and foul water G13). Compliance with Clauses G12 and G13 can be achieved by using an Acceptable Solution or Verification Method such as G12/AS1, G13/AS1 and G13/AS2. One common method of achieving compliance is following the plumbing and drainage standards AS/NZS 3500.

Work exempt under Schedule 1 is generally building work that will not significantly affect public safety or the structural integrity of the building. Exemptions under Schedule 1 recognise that certain minor and low-risk work should not be subject to the building consent process. "That is because such low-risk work presents very little danger to people or property and may not merit the costs and possible time-delays of the consent process," explained Mike.

Section 41 of the Building Act lays out the circumstances where building consents are not required. In addition to the Schedule 1 exemptions, these include work to a Crown building to which, under section 6, the Act does not apply, urgent building work needed to protect lives or property (such as in the earthquakes), energy work (including gasfitting work) covered by section 43, or when the Governor-General adds any work, or works, to Schedule 1.

PGD WORK THAT DOES NOT NEED A CONSENT

Gasfitting: covered by section 43

Gasfitting (and other energy work), which is already covered by section 43 of the Building Act only requires a building consent when work relates to a specified system. However, according to *Codewords-36-9*, which clarified this point, gas work shown on a building consent application is subject to normal building consent processes unless the applicant specifically states that the building consent is not being sought for the energy work. This applies to both new and existing buildings.

Gasfitting work includes: installing a gas heater or cooker, building the flue (if any), installing the gas supply pipe, ensuring there is enough air for complete combustion, ensuring proper separation of the flue from combustible surfaces, providing seismic restraint, installing flue flashing, creating external wall and roof penetrations and maintaining building structural elements.

When gasfitting work has been completed, the gasfitter must issue the building owner with a gas certificate.

Exemption (a): Repairs, maintenance and replacement

For repairs, maintenance and replacement, DBH advises that according to exemption (a) of Schedule 1, a building consent is not required if the work is carried out in the same position using the same pipework, components or assemblies. HOWEVER, this is unless there is:

- complete or substantial replacement of a specified system (such as a backflow prevention device)
- complete or substantial replacement of any part or assembly contributing to the building's structural behaviour or fire-safety properties
- repair or replacement (other than maintenance) of any component or assembly that has failed to satisfy the provisions of the Building Code.
- repair or replacement of a water storage heater connected to a solid-fuel heater or other supplementary heat exchanger UNLESS you are repairing a water storage heater using the same pipework, or replacing an open-vented water storage heater with a comparable heater using the same pipework.

SOLID FUEL BURNERS: UPDATE

DBH has subsequently issued guidance in *Codewords-49-11* as to when building work in relation to solid fuel heaters requires a building consent or is exempt under Schedule 1 of the Building Act 2004. In addition to the above, solid fuel heater appliances must comply with the National Environmental Standards, provided for under the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (SR 2004/39) which limit the emissions from solid fuel heaters. Some Council's regional plans may also impose further requirements for the installation of woodburners. A list of certified burners is available from the Ministry for the Environment at www.mfe.govt.nz.



Exemption (ab): drainage systems

A building consent is not required for the opening and reinstatement of any purpose-made access point within a drainage system that is not part of a council drainage system and is carried out in accordance with the PGD Act 2006.

Exemption (ac): alterations to drains

A building consent is not needed when alteration to drains for a household is of a minor nature, does not include making any new connection to a service provided by a network utility operator and is carried out in accordance with the PGD Act 2006. Mike suggested at this point a plumber or drainlayer might offer to draw up the new drainage plan for the homeowner to put into their property file at their local council.

He pointed out that installing a new greywater disposal system would need a building consent, however.

Exemption (ad): sanitary plumbing

As a certifying plumber, you are able to carry out or supervise alterations to existing sanitary plumbing in existing bathrooms, kitchens, laundries and toilets without a building consent, providing there is no increase in the number of sanitary fixtures within the dwelling, and as long as the work is carried out in accordance with the PGD Act. Section 3 of the PGD Act defines sanitary plumbing for the purpose of this exemption.

Note: Where sanitary plumbing work could adversely affect the structural stability of the structural elements, such as floor joists or wall framing, then it may need a building consent. Seek advice in this instance.

Exemption (jh): penetrations

A building consent is not required where a penetration is made no greater than 30 centimetres in diameter to enable the passage of pipes, cables, ducts, wires, hoses and so on through any existing building and any associated building work, such as weatherproofing, fireproofing or sealing the penetration. These penetrations are typically needed for the installation of heat pumps, home ventilation systems and so on.

Note: Where ventilation or air conditioning systems are considered specified systems that require a compliance schedule, a building consent will be required.

Exemption (k): Territorial Authority discretionary exemptions

Territorial Authorities (TAs) – city and district councils – are able to exempt building work from a building consent when it is considered the building work is unlikely to be carried out other than in accordance with the Building Code, or, if carried out other than in accordance with the Building Code, that it is unlikely to endanger people or any building.

This enables practitioners to go to councils to ask them to exempt straightforward and low-risk work. However – before you rush off to check every job – you should note that TAs are able to seek payment for the provision of advice and information on exempt building work.

There are consequences

Undertaking building work (including plumbing and drainlaying) that is not exempt without a building consent is an offence under Section 40 of the Building Act. A person who commits such an offence may be liable to a fine not exceeding \$100,000 – and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part day during which the offence has continued.

“ UNDERTAKING BUILDING WORK (INCLUDING PLUMBING AND DRAINLAYING) THAT IS NOT EXEMPT WITHOUT A BUILDING CONSENT IS AN OFFENCE ”

When you (you, in this case, being the certifying plumber, gasfitter or drainlayer!) or the owner are unable to determine conclusively for yourselves that the building work you wish to undertake is exempt, you should seek advice from an appropriate person or organisation such as the building consent authority, registered architect, registered building surveyor, building consultant, certifying plumber, certifying gasfitter or certifying drainlayer.

It pays to check with your local TA or refer to the DBH guidance document!

Copies of A guide to plumbing, drainlaying and gasfitting that does not require a building consent can be downloaded in pdf form from the DBH website www.dbh.govt.nz. Make sure you have one to hand. ■

